

fact of their loss; the fact of the many things he contributed to this country will be paramount in their minds.

The PRESIDING OFFICER. The Senator from Florida.

Mr. GRAHAM. Mr. President, I heard the remarks of our colleague from Nevada about our good friend, BRUCE VENTO. I also express my deepest sympathies to his family at their loss. It is a loss to them and it is a loss to America. BRUCE VENTO was a man who educated many of us, including myself, as to the great value of our national parks; that in many ways they are the repositories of America's dream, of what kind of a country we were and what kind of an America we wish to leave for future generations.

I had the opportunity to talk to Congressman VENTO just a few weeks ago on behalf of a national park that I feel very deeply about, Everglades National Park. As always, he was extremely solicitous of information and forthcoming in his willingness to be of assistance.

I am saddened today at the news of BRUCE VENTO's passing. America, and particularly our great natural treasures, have lost a tremendous friend and articulate advocate on their behalf.

THE BUDGETING PROCESS

Mr. GRAHAM. Mr. President, I come this afternoon to the floor for two reasons. The first is to express my general dismay at the status of the budgeting process for this year. Second is to give a specific example of how this process has resulted in a program—which was clearly outlined and approved by Congress and signed into law by the President as the Equity Transportation Act for the 21st Century, generally referred to as TEA-21—has been convoluted.

Let me first talk about the general budgeting process for this year. We are now 10 days into the new fiscal year, and substantial parts of our budget have yet to be enacted and sent to the President for his consideration. Even more dismaying than that is what is in the budgets that we have passed and sent to the President. I use, as example, No. 1, the most recent budget this Senate has acted upon when, last Friday, we passed the Transportation appropriations conference committee report.

First, the process. I was very interested in this bill, as will become apparent as I move to point No. 2 of my remarks. Yet it was not available until Friday morning, the same morning that we were called to vote upon this very complex bill which will allocate some \$58 billion of our National Treasury. Even today, specific details are yet to be discerned. So we are operating as alleged pilots of the national fiscal trust through dark clouds and fog and driving rain, unaware of where we are or where we have gone.

I am also very concerned about the specific numbers in this legislation. I know this has been an issue of great concern to our Presiding Officer, who has, in his period in the Senate, distinguished himself as one who is very concerned about our fiscal discipline.

For the fiscal year 2000, which ended September 30, we had a Transportation appropriations amount of \$50.7 billion. That is what we spent over the preceding 12 months. We have been operating under a budget resolution which, because of its own complexities, is difficult to align precisely with one of the specific appropriations bills, but we have had a general philosophy that the appropriations for fiscal year 2001 should not grow at a rate greater than the rate of inflation. According to the Consumer Price Index for the period July 1999 to July 2000, the rate of inflation for the United States was 3.5 percent.

If you add 3.5 percent to last year's Transportation appropriations, you would add, in rounded numbers, \$1.775 billion for a total of \$52.475 billion. That would have been the goal, the destination, the ceiling for spending under this Transportation account using the principle that the budget should be restrained to the rate of inflation.

The administration submitted a budget for this account that was \$54.6 billion. The Senate passed a Transportation bill which was \$54.8 billion.

But when the bill came back from the conference committee with the House, the total amount of the bill that we voted on favorably last Friday was \$58 billion, a 14-percent growth over the expenditure on the same account for the previous fiscal year. That is a staggering increase, and it is an increase which puts at risk many of the things upon which the political campaigns of the fall of 2000 have focused their attention: How are we going to spend the non-Social Security surplus? How will we utilize the \$2.2 trillion that is projected to come into the National Treasury over the next 10 years? I underscore that the \$2.2 trillion is on the assumption that we will hold spending for this 10-year period to the rate of inflation. That rate was 3½ percent. Yet in this one budget we have spent 14 percent.

If this budget were to be the standard by which we operated—this budget represents about 8 percent of the total discretionary spending of the United States. If we exceed every budget by the same amount that we have done with this one budget of Transportation, we will diminish that non-Social Security surplus in the range of 35 to 40 percent. This is serious business because we are making representations to the American people that we are going to protect that surplus; that we are going to use it either for targeted tax cuts, to use it to build up our Social Security and Medicare program, and finance a

prescription drug benefit or for large-scale tax cuts.

We are about to make all of those options unattainable if we do not exercise a greater degree of discipline over our spending this year and set the standard for what the spending will be over the next 9 years of this decade.

I first raise the alarm as to the process and the consequences of the budgets with which we are dealing as we conclude this session of Congress and lay out the fiscal plan for the Federal Government for the year 2001.

The second reason for my being here this afternoon is to bring to the attention of the Senate and the American people what we have done to one of the most innovative aspects of the Transportation Equity Act for the 21st Century, TEA-21.

In March of 1998, Congress overwhelmingly approved this groundbreaking transportation legislation to revamp the distribution of Federal highway funds. That legislation established, among other things, the intelligent transportation system, or ITS program, which sets aside money for research, development, and deployment of the components of an intelligent transportation system. The goal: to establish a sound policy for dealing with traffic congestion in the new millennium. The ITS program will work to solve congestion and safety, improve operating efficiencies in transit and commercial vehicles, and reduce the environmental impact of the growing travel demand.

The intelligent transportation systems use things such as modern computers, management techniques, and information technologies to improve the flow of traffic. ITS applications range from electronic highway signs that direct drivers away from accidents or other sources of congestion on the highways, to advanced radio advisories, to more efficient public transit.

Congress has sought to reward States that develop an intelligent transportation system. Demand for roads is increasing, particularly in the most populous and fastest growing areas of our country. Business commutes are getting longer, leisure travel options are becoming wider. States were encouraged to make use of advanced communications technology to ease gridlock.

This plan, developed by the Environment and Public Works Committee, where our Presiding Officer serves as chair of the subcommittee that has responsibility for this very legislation, was thoughtful and the plan had a specific purpose in mind: to foster the growth of intelligent transportation systems and, in a scientific manner, to gather results from the new ITS programs so that we could make wise decisions about the future direction of ITS when the next transportation bill is authorized in approximately 2003.

I am sad to report that this plan has come undone through the appropriations process. Allow me to explain how this has happened.

The Texas Transportation Institute at Texas A&M University, in conjunction with many State departments of transportation, conducts a periodic study of the traffic conditions in our Nation. The latest annual mobility report produced in 1999 ranked the 70 most congested urban areas, cities, and small towns in America. It would seem reasonable, it would make common sense that those cities with the worst traffic congestion would receive Federal funds to implement, improve, or expand their intelligent transportation system. Indeed, the creators of the intelligent transportation system program in TEA-21 meant it to work that way. The law says that ITS projects must be selected through competitive solicitation and meet certain detailed criteria for program funding dollars.

I will read a few excerpts from that law. The authors set out the gathering of effective data as a goal in TEA-21:

To assure that Federal, State, and local transportation officials have adequate knowledge of intelligent transportation systems for full consideration in the transportation planning process.

To me, that means we need to be able to offer to Federal, State, and local transportation officials accurate and scientific data on ITS. The authors of the Transportation Equity Act for the 21st Century spelled it out more precisely when they said:

The Secretary shall select for funding through competitive solicitations projects that will serve as models to improve transportation efficiency, promote safety. . . .

And for other reasons listed in the statute.

Unfortunately, the intent of the legislation has not followed. It was not followed first in the fiscal year 2000. Of the total \$221 million made available in the fiscal year 2000, the year that ended September 30 of this year, all but about 10 percent of that \$211 million was earmarked. For those who are not familiar with the jargon of the Congress, "earmarked" means there was a total amount of money available for a particular objective, in this case to fund the intelligent transportation systems, which, according to statute, was to be allocated based on competition. Of that \$211 million, 90 percent of it had a specific designation to a particular State or community within the United States.

According to the Texas report, the 15 most congested cities in the United States as of 1999 were: Los Angeles, Seattle, San Francisco, Washington, DC, Chicago, Miami, Atlanta, Boston, Detroit, San Diego, Houston, New York City, Portland, and San Jose.

Mr. President, would you be surprised, would you be stunned and appalled, if I were to tell you that in the

fiscal year 2000, none of those 15 cities received any of the intelligent transportation system money? The 15 most congested cities in America, according to the national survey upon which we rely, were allocated a penny for ITS money.

Of the other most congested cities highlighted in the Texas transportation study, only five received funds, while a sixth city probably will receive funds from an overall earmark to the State in which it was located. Those funds, for the five cities and the one State, totaled only \$7 million or 3 percent of the total ITS appropriation of \$211 million.

We have 75 of the most congested cities in America, cities in urban areas and smaller communities getting 3 percent of the money to assist them, through intelligent transportation systems technologies, in improving their traffic congestion. I was so offended by that that I, on September 15 of this year, wrote a letter to the Transportation appropriations conferees urging them, for the year 2001, which began October 1 of this year, not to repeat the mistake made in the previous year.

Mr. President, I ask unanimous consent that this letter be printed in the RECORD immediately after my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. GRAHAM. Mr. President, I quote the concluding paragraph of the letter, which states:

I encourage you to adhere to the design created by TEA-21. The Congress has the opportunity, through ITS and other programs, to strengthen our national transportation infrastructure in a cost-effective, efficient manner. We undermine those efforts if we don't follow the criteria established and passed by Congress in TEA-21.

So in that context, it was with dismay that last Friday morning, when I finally had an opportunity to look at the Transportation conference report, I realized that again we were committing the same mistake. For the second year in a row, none of the top 15 traffic-choked cities got funding for intelligent transportation system technology to assist them in alleviating their gridlock.

Taking the list even further, none of the top 20 most congested cities received intelligent transportation system funding. Those additional five cities included Denver, Phoenix, San Bernardino, Minneapolis-St. Paul, and Tacoma, WA. Those five cities are added to the 15 that I have previously read in the category of cities that are the most 20 congested cities in America, none of whom received any of the intelligent transportation system money. This suggests to me a total disconnect between the problem that led to the creation of ITS in the first place and the allocation of dollars by the appropriators.

In addition to that fundamental disconnect, I am also concerned that the amounts of money that have been earmarked appear to be nonscientific. If you look at the conference report, you will see round figures, such as \$200,000, \$500,000, \$1 million, \$2 million, and so forth. Such figures are unlikely to be to the real dollar amount needed to fund well-designed, specific projects.

Investment in intelligent transportation technology pays huge dividends, but it is expensive. As an example, on February 17 of this year, I did one of my monthly workdays with the evolving ITS technology in and around Orlando, FL. Orlando has the most advanced intelligent transportation system program in my State. The first phase of the Orlando system cost nearly \$8 million. When complete, the Orlando ITS system will cost about \$14 million. In these earmarks, I wonder whether such small sums, such round numbers, are actually calculated to reach the critical mass needed to get a project underway and completed. Small sums, distributed widely across the Nation, are not the most effective, efficient way to use these precious dollars to alleviate priority congestion concerns.

Lastly and possibly most crucially, we are missing a critical opportunity: the opportunity to gather data in a scientific, meaningful way about an evolving technology, a technology which has the potential to mitigate traffic congestion and make our highways safer.

Gathering this information is important because TEA-21 was the first surface transportation bill to focus to such an extent on intelligent transportation systems. The authors of TEA-21 wanted to push the envelope and emphasize the use of technology as a strategy to ease traffic gridlock.

In 2 or 3 years from now, when we are reauthorizing the next surface transportation bill, we will need to ask: Did these ITS programs work? If so, what are the key elements in their successes? Should we expand ITS as a strategy to reduce traffic congestion? If we do not use the resources that we have devoted to ITS in a prudent, rational, scientific way, will we have the experience and information necessary to answer those questions in an informed way?

The short answer to that is, no.

The 2-year history of ITS causes concern for other Senate action. We have just finished debate on the Interior appropriations bill, a thoughtful piece of legislation. The Conservation and Reinvestment Act, CARA, was side-tracked by that Interior appropriations bill and replaced with language which assures that the appropriators will control specific allocations. The CARA bill had a vision, a vision to provide the American people with a permanent, dedicated source of funding to invest in

our children's futures by preserving and protecting our natural resources—the very cause for which our departed friend, Congressman BRUCE VENTO, spent so much of his life and his congressional career.

This bill would have bolstered the Federal Government's relationship with our State governments by maintaining the Federal side of a respectful partnership, with the States to develop and support natural treasures, from urban parks and historic sites to the preservation of our coastal resources.

But instead of this carefully constructed program, which enjoyed widespread support, we were left with the following by the appropriations conference report. Quoting from that conference report for the Department of the Interior:

This program is not mandatory and does not guarantee annual appropriations.

Continuing to quote:

The House and Senate Committees on Appropriations have discretion in the amounts to be appropriated each year, subject to certain maximum amounts as described herein.

With that language, we have declared failure. We have failed to take advantage of our opportunity to enact landmark conservation legislation. We would be wildly optimistic to expect that the goals of the CARA legislation will be met.

With what we now see has happened to ITS, to intelligent transportation systems, what confidence can Americans have that the goal of protecting our natural resources will be met? What reason do we have to expect a different outcome, with the dream of sustained investment in protecting our natural resources, than the shredded results of reduced traffic congestion through intelligent transportation systems? The short answer is, none.

Returning to the Transportation appropriations bill, earmarks, in my view, are more acceptable in mature transportation programs than where we are attempting to learn about new technologies and policy approaches. We can and should address the needs of specific communities. ITS, however, is an evolving resource in transportation, and we should adhere to the intent of the law in seeking a competitive, scientific process to distribute these ITS funds.

This appropriations process, with respect to ITS, has foreclosed the valuable information which a rational distribution of funds would have given us.

In conclusion, I am concerned about the broad path upon which we are traveling as we conclude the consideration of the appropriations bill for fiscal year 2001. We are dramatically overspending the standard we set for ourselves just a few months ago. By that overspending, we are putting at risk the opportunity to use a significant Federal surplus for a variety of very beneficial purposes which will aid our

people not only this year but for decades to come. And, within our appropriations, we are losing the opportunity to intelligently allocate funds against the targeted goals, such as the reduction of traffic congestion or the protection of our natural resources. Rather, we are succumbing to the temptation to earmark, to specify, based on considerations other than what is in a rational, long-term plan of prioritization of our Nation's needs.

We have but a few days left in this session, I hope. It would be my fondest expectation—or at least my optimistic dream—that we would use these few remaining days in a more constructive manner than has been demonstrated in the past few days, that we would use these to exercise principles of fiscal discipline and vision and the willingness to put aside our personal and parochial interests for what is in the broader national interest.

That is our challenge. That is what the American people expect of their elected representatives. It is a goal on which we have faltered in recent days. Let us use the remaining days to regain our solid fiscal footing.

EXHIBIT 1

UNITED STATES SENATE,

Washington, DC, September 15, 2000.

DEAR CONFEREES: I have been concerned about the distribution of Intelligent Transportation Systems (ITS) money in the Transportation Appropriation process.

The Environment and Public Works Committee designed TEA-21 so that ITS projects would be selected through competitive solicitation and meet certain detailed criteria. There was an overall plan: a portion of the money would specifically go to rural areas, and no state could receive more than \$35 million per fiscal year. Other than that, the competitive process would be used to ensure the most efficient, effective use of the dollars. Essentially, the ITS theory is to make our highways, especially in high congestion areas, as efficient as possible, recognizing the tremendous costs of building additional lanes or other high capacity improvements. The intent is to make our existing highways serve to maximum capacity.

There are two major concerns about the current manner of distribution of ITS funds. First, the current earmarks appear to be allocated on a non-scientific, non-competitive basis. The Texas Transportation Institute in the Texas A&M University System is the organization that the U.S. Department of Transportation and the Congress look to for a professional assessment of highway congestion in our nation. Comparing recent appropriations bills with the institute's annual traffic congestion study show how far apart reality is from what is needed. For example, the ten most congested cities in the United States are: Los Angeles, Washington, DC, Miami, Chicago, San Francisco, Seattle, Detroit, Atlanta, San Diego and San Bernardino. Looking at the ITS FY01 earmarks, none of these most congested cities got funding for ITS technology to alleviate gridlock. Of the other 60 most-congested-cities featured in the study, only 5 receive funds, while a sixth city probably receives funds from an overall state earmark. These six funds total only \$7,000,000 or 3% out of a total ITS appropriation of \$211,200,000.

Second, the amount of money that has been earmarked appears to be non-scientific. They are round figures of \$200,000, \$500,000, \$1,000,000, \$2,000,000 and the like. Investment in intelligent transportation technology pays huge dividends, but it is expensive. We wonder whether such small sums, while helpful, actually reach the critical mass needed to get a project underway. Small sums, distributed widely across the nation, are not the most effective, efficient way to use these funds in alleviating priority congestion concerns.

This is important because TEA-21 was the first surface transportation bill to focus to such an extent on ITS. We wanted to push the envelope and emphasize the use of technology to ease traffic gridlock. In two to three years from now when we reauthorize the next surface transportation bill, we will need to ask: did these programs work? If we do not use the resources that we have devoted to ITS in a prudent, rational, scientific way, we will not have the experience and information necessary to answer that question in an informed way. Earmarks, in my view, are more acceptable in mature transportation programs. We can and should address the needs of specific communities. ITS, however, is an evolving resource in transportation, and we should adhere to the intent of the law in seeking a competitive, more scientific process to distribute ITS funds.

I encourage you to adhere to the design created by TEA-21. The Congress has the opportunity, through ITS and other programs, to strengthen our national transportation infrastructure in a cost-effective, efficient manner. We undermine those efforts if we don't follow the criteria established and passed by the Congress in TEA-21.

With kind regards,

Sincerely,

BOB GRAHAM,
U.S. Senator.

Mr. GRAHAM. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNFINISHED BUSINESS IN HEALTH CARE

Mr. DORGAN. Mr. President, we are nearing the end of the 106th Congress. No one is quite sure where the finish line is. My expectation is that within a week or two this Congress will be history.

Many will ask what this Congress did and what it did not do. There will be some people who will be joyous about its accomplishments and some who will be sorely disappointed over its failures. I think its accomplishments, however, will be a rather short list, and the areas where we could have and should have done better will represent a very long list. I rise to briefly discuss two of those areas before we near the end of the session.

I have spoken many times in the Senate about health care, and especially